IN THE HIGH COURT OF BOMBAY AT GOA

MISCELLANEOUS CIVIL APPLICATION NO. 633 OF 2005
IN
FIRST APPEAL NO. 238 OF 2002

State of Goa through
the Dy. Collector, Margao
and another. ... Applicants

versus

Dr. Caetano Jose Filomeno
Jacinto de Loila Pereira. ... Respondent's

Mr. S. S. Kantak, Advocate General with Ms. G. Bhonsle, Additional Government Advocate for the Applicants.

Mr. F. E. Noronha, Advocate for the Respondent.

CORAM: R. M. LODHA &
N. A. BRITTO, JJ.

DATE : 19TH SEPTEMBER,2005.

P.C.:-

Heard Mr. S. S. Kantak, the learned Advocate General on behalf of the applicants and Mr. F. E. Noronha, the learned Counsel on behalf of the respondent.

By this application, the applicants seek to correct the second line in para 24 of the Judgment of this Court dated 28-9-2004 to read the word "fails" as "partly succeeds". With the assistance of both the learned Counsel, the Judgment of this Court was read by us. A reading of the Judgment clearly shows that the respondent was held not entitled to any enhancement of compensation as far as the area of 15,000 sq. meters were concerned and as given to them by the learned Reference Court. It is obvious that the word "fails" came to be recorded by accidental slip. In the light of that, the word "fails" should be read as "partly succeeds. Accordingly, in para 24 of the Judgment, in line 2, the word "fails" will be substituted as "partly succeeds". Judgment of this Court dated 28-9-2004 to stand corrected accordingly.

Application is allowed on the above terms with no order as to costs.

R. M. LODHA, J.

N. A. BRITTO, J.

RD.